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August 8, 2025

**By ECF**

Hon. Julien Xavier Neals, U.S.D.J.  
Martin Luther King Bldg.  
& U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *In re: Apple Inc. Smartphone Antitrust Litigation,*  
Civil Action No. 2:24-md-03113**

Dear Judge Neals:

We write on behalf of Co-Lead Interim Class Counsel representing the direct purchasers of iPhones, direct purchasers of Apple Watches, and the indirect purchasers of iPhones in this litigation (collectively, "Private Plaintiffs") to update the Court on our progress moving the Private Plaintiffs' track forward since the parties' Joint Agenda and Status Report filed on January 10, 2025 (ECF No. 61) and to request a Rule 16 conference.

In January, the Private Plaintiffs and Apple (collectively "Parties") both agreed that a case management conference should be held to cover:

- Initial case management orders: Protective Order, ESI Protocol, Source Code Protocol, Expert Discovery Stipulation, Deposition Protocol;
- Coordination among the related cases; and
- Scheduling Order(s) for Initial Case Deadlines (based on the date the consolidated amended complaints were filed).

ECF No. 61. On February 14, Judge Wettre encouraged the parties to continue to meet and confer in an effort to streamline the discovery process. *See* ECF No. 74. Accordingly, the Parties exchanged drafts of the Protective Order, ESI Order, and Scheduling Order, and are meeting and conferring pursuant to Rule 26(f) with respect to these orders.

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On June 30, the Court denied Apple's Rule 12 motion in *United States v. Apple Inc.*, Civ. No. 2:24-cv-04055-JXN-LDW ("DOJ Action"). All Parties agree that coordination with the DOJ Action is of paramount importance to facilitate efficient discovery in both Actions, consistent with the Court's prior guidance. *See* Apple's July 31, 2025 Letter, ECF No. 88 ("Apple agrees that discovery in this case should be coordinated to the extent possible with discovery in the Government Action"); *see also United States v. Apple Inc.*, ECF No. 270 ¶ 27 (D.N.J. June 5, 2025) ("The parties are to endeavor to avoid duplicative discovery between this case and the *In re: Apple Inc. Smartphone Antitrust Litigation*, 24-md-3113 (JXN)(LDW) multidistrict litigation to the extent feasible without delaying the progress of this case.").

In order to best facilitate this coordination, Private Plaintiffs agree with Apple that a Rule 16 conference should be scheduled so that discovery may proceed. *See* Apple's July 31, 2025 Letter, ECF No. 88 ("Before discovery can commence in this action, the Court needs to enter initial case management orders, including the Protective Order and ESI Protocol, the parties need to hold a Rule 26(f) conference, and the Court needs to hold a Rule 16 conference."). Following a Rule 16 conference, the Private Plaintiffs can then efficiently coordinate discovery with the DOJ.

We appreciate the Court's time and attention to this important matter and we thank Your Honor for considering our request. Please let us know if the Court requires any additional information.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO, P.C.

/s/ James E. Cecchi

JAMES E. CECCHI

cc: Hon. Leda Dunn Wettre, U.S.M.J.  
Counsel of Record (via ECF)